

In the Matter of )  
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Emergency Broadband Benefit Program ) WC Docket No. 20-445

Pursuant to Section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3, Cellular South Licenses, LLC d/b/a C Spire (“C Spire”) hereby requests expedited grant of a limited waiver of the Emergency Broadband Benefit (“EBB”) Program reimbursement rules. Specifically, C Spire requests that the Wireline Competition Bureau (“Bureau”) (1) waive, for the first snapshot date after a subscriber is enrolled in EBB, the requirement that the provider claim reimbursement within 15 days of the snapshot<sup>1</sup>; and (2) allow C Spire an additional month to submit the first reimbursement claim for a newly-enrolled subscriber, i.e., until the 15<sup>th</sup> day of the next month following the first snapshot date. As set forth below, the requested waiver serves the public interest by facilitating C Spire’s ability to offer the discount on a broad range of services, and it will not undermine the Universal Service Administrative Company’s (“USAC”) ability to process reimbursements.

Under the *EBB Program Order*, reimbursements are based on a “snapshot report of a provider’s enrolled subscribers as of the first of the month.”<sup>2</sup> Providers then have until the 15<sup>th</sup>

<sup>2</sup> *Emergency Broadband Benefit Program*, Report and Order, FCC 21-

of each month, or the following business day in the event the 15<sup>th</sup> falls on a weekend or holiday, to submit to USAC their reimbursement claims for the households captured on the snapshot report.<sup>3</sup> Reimbursement claims submitted after that date will not be processed, and providers are prohibited from revising previously submitted claims.<sup>4</sup> Providers are required to certify to the accuracy of reimbursement claims.<sup>5</sup>

## **II. DISCUSSION**

### **A. The EBB Reimbursement Process is More Difficult than the Lifeline Reimbursement Process.**

While the *EBB Program Order* describes the EBB reimbursement process as “largely track[ing] the process in the Lifeline program,”<sup>6</sup> the EBB reimbursement process will in fact be substantially more challenging for providers to navigate than the Lifeline reimbursement process. Lifeline providers can claim the same \$9.25 per month reimbursement amount for every broadband subscriber in the snapshot,<sup>7</sup> but EBB providers may have to determine the reimbursement amount separately for each subscriber. The reimbursement amount will differ among subscribers if, for example, the provider elects to offer the EBB discount both for services with rates exceeding the maximum EBB discount of \$50 and for services with lower rates. Reimbursement amounts will also differ for EBB subscribers who also participate in Lifeline and

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29, WC Docket No. 20-445, (2021) at ¶ 98 (“*EBB Program Order*”).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*, ¶¶ 99-100.

<sup>5</sup> *Id.*, ¶ 100.

<sup>6</sup> *Id.*, ¶ 98.

<sup>7</sup> 47 CFR § 54.403(a)(1).

those who do not. Lastly, reimbursement levels may vary among customers who receive company discounts (e.g., for service bundles or autopay) and those who do not.

**B. C Spire Will Have Difficulty Meeting the First EBB Reimbursement Deadline for Newly Enrolled Subscribers.**

C Spire has elected to maximize consumer choice by offering the EBB discount on a widest possible array of services that qualify for the Program. In addition, C Spire is an ETC offering Lifeline in two of the three states in which it will offer EBB. Some of the plans will also offer EBB customers the ability to receive a discount for electing an autopay method of payment. Because of the variety of plans, the availability of autopay discounts, and the likelihood that some EBB customers will also be Lifeline customers, C Spire faces the prospect of calculating separate EBB reimbursement amounts for each subscriber on its snapshot list. The reimbursement amounts will not only vary from service to service but may also vary among subscribers to the same service. For example, for the Data Only – 10 GB plan, the EBB reimbursement for a Lifeline customer is \$35.75 and the EBB reimbursement without a \$5 autopay discount is \$40.75.

Not only will it be more complicated for C Spire to determine the EBB reimbursement amount, C Spire will have much less time to determine the amount and submit the claims. Whereas Lifeline providers have a year from the snapshot date to submit a claim or make upward revisions to a previously submitted claim,<sup>8</sup> the EBB rules give providers only 15 days from the snapshot date to submit the claim and also prohibit providers from modifying previously submitted claims. According to the EBB Program Order, the Commission adopted the 15-day claim deadline so that USAC could “track down disbursements and . . . provide a projection for

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<sup>8</sup> See <https://www.usac.org/lifeline/reimbursement/>.

the depletion of the Fund that is based on the most accurate and up-to-date household and disbursement information.”<sup>9</sup>

### **C. Request for Waiver**

C Spire requests a waiver of the 15-day deadline for the first claim for a newly-enrolled EBB subscriber. Specifically, C Spire requests that the Bureau allow C Spire an additional month, until the 15<sup>th</sup> day of the next month after the snapshot on which a subscriber first appears, to submit the first claim for the subscriber.

This request is consistent with the Commission’s well-established waiver standard, pursuant to which the Commission will waive its rules when (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.<sup>10</sup> Because C Spire is offering the EBB discount on a variety of services, because many of its EBB customers will also be Lifeline customers, and because it offers generally available discounts that some EBB customers will take, it will bear a significant burden to separately and manually determine the EBB reimbursement amount for each subscriber as discussed above each month.

C Spire has determined that it will not have the ability to automate the initial EBB reimbursement amount determinations for newly enrolled subscribers. Instead, two C Spire employees manually calculate the reimbursement for all of its customers, in addition to the Lifeline calculations that are done every month. This process will be particularly burdensome given the significant likelihood that large numbers of households will enroll in C Spire’s EBB service. EBB eligibility criteria are much broader than Lifeline. In C Spire’s service areas, large

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<sup>9</sup> *EBB Program Order*, ¶ 100.

<sup>10</sup> 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

numbers of families have children who qualify for the free school lunch program, which qualifies the household for EBB. As a result, C Spire could see a significant surge in EBB enrollments when the program launches. With the potential for the number of EBB subscribers to be several times the number of Lifeline subscribers it currently serves, C Spire's small compliance staff could face an overwhelming task if the manual determinations must be made within 15 days of the snapshot date. We note that the waiver requested herein is identical to the waivers that the Commission recently granted to Verizon and Altice.<sup>11</sup>

The waiver will not materially affect USAC's ability to process disbursements and project the depletion of the fund, even if the Commission extends the requested waiver to other EBB providers as it has done for Verizon and Altice.<sup>12</sup> C Spire is seeking a waiver of the 15-day deadline only for a subscriber's first snapshot and is seeking only a one-month extension of the deadline. USAC will still have a count of the number of EBB subscribers enrolled in NLAD, even if some providers have not yet submitted claims for newly-enrolled or current subscribers. Finally, providers will not generally have an incentive to seek a similar waiver because they will want to obtain reimbursement as soon as possible.<sup>13</sup>

The waiver is in the public interest because the added flexibility will enable consumers to receive the EBB discount on a broader range of services.<sup>14</sup> Without the waiver, C Spire might be

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<sup>11</sup> *Emergency Broadband Benefit Program*, Order, DA 21-455, WC Docket No. 20-445 (2021) (“*Verizon Waiver Order*”); see also *Emergency Broadband Benefit Program*, Order, DA 21-557, WC Docket No. 20-445 (2021) (“*Altice Waiver Order*”).

<sup>12</sup> See *Verizon Waiver Order* at ¶ 8; *Altice Waiver Order* at ¶ 8.

<sup>13</sup> *EBB Program Order*, *supra* at para. 98 (“For those providers seeking to have their reimbursement claim processed quicker, they must review and certify their reimbursement claims sooner, as established by USAC.”).

<sup>14</sup> See *Verizon Waiver Order*, *supra*, at ¶ 9.

compelled to simplify its reimbursement calculations by offering the EBB discount only on one service or only on services for which the standard rates are fully subsidized by the EBB Program. The waiver would thus be consistent with the *EBB Program Order*'s goal of encouraging providers to offer low-income consumers the benefit of an EBB discount on a wider variety of services.<sup>15</sup>

### III. CONCLUSION

For the foregoing reasons, C Spire requests a grant of the limited waiver set forth herein.

Respectfully submitted,

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d/b/a C SPIRE



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<sup>15</sup> *Id.* at ¶¶ 37, 71 (“Approved providers must offer at least one EBB Program-reimbursed service to each of its eligible households within its service area. However, we also encourage participating providers to make EBB Program support available for all its service offerings for eligible households.”).

<sup>16</sup> Admitted to the Bar under D.C. App. R. 46-A (Emergency Examination Waiver) and practicing under the supervision of D.C. Bar members.